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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,391	02/05/2002	Elizabeth Anne Earley	13DV-14119	4892

7590 02/01/2008  
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EXAMINER
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WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2166

MAIL DATE	DELIVERY MODE
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02/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,391	EARLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Isaac M. Woo	2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-13 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) 39-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's Election in response to the Election/Restriction requirement set forth in the October 29, 2007, filed on November 26, 2007 with traverse. Non-elected claims 39-46 are withdrawn from further consideration.
2. Applicant elected Group I, claims 1 and 3-13 with traverse, filed on November 26, 2007. The applicant did not provide the ground(s) of the traversal. Thus, it is not found persuasive. Therefore, the requirement is still deem proper.
3. Claims 1 and 3-13 are presented for examination for this office action (Non-elected claims 39-46 are withdrawn from further consideration).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2166

3. Claims 1 and 3-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jou et al (U.S. Pub. No. 2003/0071814, hereinafter, "Jou").

With respect to claim 1, Jou teaches receiving operating and financial data for a business (page 1, sections 0001-0009); processing the data to generate business metrics (page 1, section 0007, page 2, section 0011, page 2, sections 0022-0028); comparing the business metrics to pre-defined parameters (fig. 2a-fig. 3, page 4, sections 0036-0055); and displaying a status of the business metrics using plurality of gauges for visually indicating a status of a respective business metric (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 3, Jou teaches displaying at least one gauge which visually indicates the position of a switch between an "ON" position and an "OFF" position (page 2, section 0015, page 5, section 0043).

With respect to claim 4, Jou teaches displaying business data associated with each business metric (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 5, Jou teaches linking business data used in determining a status of each respective metric to each business metric (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 6, Jou teaches displaying inking business data to each respective visual display (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 7, Jou teaches displaying at least one gauge which visually indicates the position of a switch between an "ON" position and an "OFF" position (page 2, section 0015, page 5, section 0043).

With respect to claim 8, Jou teaches defining the pre-determined thresholds that trigger the notifications (col. 7, lines 49-67 to col. 8, lines 1-67).

With respect to claim 9, Jou teaches defining which users receive the notifications when a pre-determined thresholds is satisfied (page 1, section 0007, page 2, sections 0015, 0022-0024).

With respect to claim 10, Jou teaches coupling a message center to the server (page 4, section 0034).

With respect to claim 11, Jou teaches receiving user inquiries regarding the business metric associated with the message center (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 12, Jou teaches receiving user input regarding the business metric associated with the message center (fig. 2a-fig. 3, page 3, section 0027, page 4, sections 0036-0055).

With respect to claim 13, Jou teaches restricting access to the server system (page 4, section 0047).

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Woo  
January 30, 2008

